

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRETT DOYLE,

Petitioner,

v.

STATE OF NEVADA,

Respondent.

Case No. 3:23-cv-00437-MMD-CSD

ORDER

Brett Doyle, a Nevada state prisoner in custody at Northern Nevada Correctional Center, has attempted to initiate a 28 U.S.C. § 2254 habeas corpus petition, challenging his convictions pursuant to a guilty plea of sexual assault on a child and lewdness with a child. While he has filed an application to proceed *in forma pauperis*, a motion for hearing, and more than 150 pages of exhibits, he has not submitted a habeas petition. He appears to seek to challenge his sentence on the basis that the state statutes he was sentenced under are unconstitutional. However, with no habeas petition, Doyle has not properly commenced a federal habeas matter. He must file a federal habeas petition on the Court's 28 U.S.C. § 2254 habeas corpus form and include either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*. Local Rule LSR 1-2. Thus, the present action will be dismissed without prejudice as improperly commenced.

It is therefore ordered that this action is dismissed without prejudice.

It is further ordered that a certificate of appealability will not issue, as jurists of reason would not find the Court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

It is further ordered that Petitioner's application for leave to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

1 It is further ordered that the Clerk of Court enter judgment accordingly and close  
2 this case.

3 DATED THIS 30<sup>th</sup> Day of October 2023.

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6 MIRANDA M. DU  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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